

**MINUTES OF THE
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**
Wednesday, August 15, 2012 – 2:00 p.m. – Room 450 State Capitol

Members Present:

Sen. Casey O. Anderson, Senate Chair
Rep. R. Curt Webb, House Chair
Sen. Scott K. Jenkins
Sen. Karen Mayne
Rep. Stewart Barlow
Rep. David G. Butterfield
Rep. Rebecca P. Edwards
Rep. Brian S. King
Rep. Jeremy A. Peterson
Rep. Keven J. Stratton
Rep. Mark A. Wheatley

Members Absent:

Rep. Jack R. Draxler

Staff Present:

Mr. Joseph Wade, Policy Analyst
Ms. Victoria Ashby, Associate General Counsel
Ms. Samantha Coombs, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Webb asked Rep. Edwards to chair the meeting. Acting Chair, Rep. Edwards called the meeting to order at 2:29 p.m. Rep. Draxler was excused from the meeting.

MOTION: Sen. Anderson moved to approve the minutes of the June 20, 2012 meeting. The motion passed unanimously. Sen. Jenkins, Rep. Peterson, and Rep. Wheatley were absent for the vote.

2. Government Competition with Private Enterprise

Chair Webb explained that government entities are competing with private entities in a variety of areas. He explained that there was a need for the committee to better understand what is currently taking place in the market, to identify the scope of the problems and current practices, and to determine if there should be guidelines created to address those issues.

Dr. Gregory L. Stauffer, Associate Commissioner, Utah System of Higher Education, explained there has been some level of privatization and competition occurring on higher education campuses for years. The Utah System of Higher Education has a general policy in place that provides guidance for decisions revolving around privatization and competition with private entities.

Ms. Patti Harrington, Executive Director, Utah School Superintendents Association, outlined the rationale and purpose for high school education programs that mimic services provided in the private sector. She stated that profits are used primarily to cover the costs of the programs.

Mr. Roger Tew, Utah League of Cities and Towns, emphasized that services need to be provided and explained the policy issue of who should provide the services. He observed that the general guidelines for cities and towns in answering this question is centered on how the citizens view the role of local government in their community.

Mr. Adam Trupp, General Counsel, Utah Association of Counties, concurred with Mr. Tew by responding that there are no definite guidelines in place that direct county decisions regarding publicly versus privately provided services.

Mr. Mark Anderson, Utah Association of Special Districts, explained that special service and local districts can only provide services for which they were specifically created and that their services are statutorily authorized.

Mr. Robin Riggs, Private Business Representative, Privatization Policy Board, described the current status of the Privatization Policy Board and expressed the board's intention to ask the Legislature for funding to issue a request for proposal to hire a professional third party that would conduct privatization studies, analyses, and recommendations to the board.

Acting Chair, Rep. Edwards requested that the presenting entities submit to the committee any written materials that describe the guidelines they use in their decision-making process.

Rep. Stratton agreed that there needs to be a continuing dialogue, and he suggested the committee look at the outcomes on how the challenges presented can be addressed.

3. County Recorder Authority to Reject a Wrongful Lien

Ms. Ashby explained 2013 General Session draft legislation "Wrongful Lien Amendments" (2013FL-0147/005).

Chair Webb provided context for the draft legislation and gave additional explanation for the proposed change to the code aimed at providing consistency in the code.

Mr. Randy Simmons, President, Utah Association of County Recorders (UACR), expressed to the committee that the UACR has concerns regarding the draft legislation.

Mr. Richard Maughan, Davis County Recorder, Utah Association of County Recorders, articulated the concerns of UACR regarding the sections of the code to be amended and repealed. He indicated to the committee that UACR is opposed to the bill in its current form, because the repeal of the proposed section, Utah Code Ann. Section 38-9-3 (2012) would remove the protection provided to recorders when accepting or rejecting a document for recordation and potentially require recorders to record and archive wrongful liens.

4. Annual Report from Utah's Associations of Governments (AOGs)

Mr. Roger C. Jones, Executive Director, Bear River Association of Governments, presented the history of the AOGs and their purposes and functions. He referred to the handouts distributed to the committee, "Utah's Associations of Governments Executive Summary" and "Utah's Associations of Governments Information Pamphlet."

Mr. Jones and Ms. Laurie Brummond, Executive Director, Uintah Basin Association of Governments; Mr. Andrew K. Jackson, Executive Director, Mountainland Association of Governments; and Mr. Russell J. Cowley, Executive Director, Six County Association of Governments; responded to committee inquiries regarding; 1) the application processes for receiving and providing aging services and seeking affordable housing; 2) AOGs' ability to respond to state emergencies; 3) training programs for veterans; and 4) funding sources for AOGs.

5. Other Items / Adjourn

MOTION: Chair Webb moved to adjourn the meeting. The motion passed unanimously. Sen. Jenkins, Rep. Peterson, and Rep. Wheatley were absent for the vote.

Acting Chair, Rep. Edwards adjourned the meeting at 4:30 p.m.